

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81496 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- LAUKAHI District- Madhubani

Ramkrishna Kumar @ Ramkrishna Yadav Son of Ramesh Prasad Yadav
Resident of village - Ramnagar , p.s.- Phulparas , District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr.Gagandeo Yadav, learned counsel for the petitioner and Mr.Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Laukahi P.S.Case No.265 of 2023,FIR dated 05.10.2023, registered for the offences punishable under Sections 341,342,323,324,307,384,504,506/34 of the Indian Penal Code.

3. As per FIR, Antendra Yadav, Sashi Ranjan Yadav assaulted with iron rod to the informant. It is further alleged that Amrendra Yadav assaulted to him on his head and Sashi Ranjan assaulted on his nose and co-accused Shiv Narayan Yadav assaulted with iron rod on his eye which was heat on the left eye



of the informant and petitioner On Prakash Yadav, surrounded towel in the neck of Birendra Prasad Sah and dragged the same and Sashi Ranjan assaulted with iron rod on the head of Birendra Prasad Sah and Pundu @ Chuni Lal assaulted with iron rod continuously to Birendra Prasad Sahu.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has been transpired during investigation and from a bare perusal of the FIR it appears that when the petitioner is not named in the FIR there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation of assault is against co-accused person, namely, Amrendra Yadav, Shashi Ranjan Yadav, Shiv Narayan Yadav and Pundu Kumar @ Chuni Lal and there is case and counter case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, petitioner is not named in the FIR, name of the petitioner has been transpired during investigation and in the FIR there is no specific allegation of any assault or overt-act



against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.1st, Jhanjharpur, Madhubani in connection with Laukahi P.S.Case No.265 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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